



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
290 BROADWAY, ROOM 1520
NEW YORK, NY 10007

DATE: MAY 4, 2017

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-NE-2014-ADM-0106

CROSS REFERENCE #: HOTLINE 2014-190

**TITLE: UNKNOWN SUBJECT(S) -- EPA REGION 2 MANAGEMENT ALLEGEDLY
ALTERED DOCUMENTS**

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	EPA REGION 2 290 BROADWAY NEW YORK, NY 10007	(b) (6), (b) (7)(C)

COMPLAINT:

On July 10, 2014, Resident Agent in Charge (RAC) (b) (6), (b) (7)(C) United States Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigations, New York Resident Office (NYRO), was provided with EPA OIG Hotline Complaint Number 2014-190 by Special Agent (SA) (b) (6), (b) (7) EPA OIG-OI, Headquarters.

(b) (6), (b) (7)(C), American Federation of Government Employees (AFGE) Local 3911, New York, NY contacted the EPA OIG Hotline and alleged that EPA Region 2 Management altered documents relative to negligence on behalf of an EPA employee. Specifically, (b) (6), (b) (7)(C) alleged that (b) (6), (b) (7) EPA, (b) (6), (b) (7)(C) EPA Region 2, engaged in actions that put EPA inspectors at risk during specific inspections. It was further alleged that EPA management was aware of this and deliberately altered documents to cover up the exposure of EPA inspectors to perchloroethylene, a possible carcinogen. The majority of the documentation provided in the complaint was supplied by (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

BACKGROUND:

On July 23, 2014, RAC (b) (6), (b) (7)(C) conducted an interview of (b) (6), (b) (7)(C) to gather additional information related to the allegations against (b) (6), (b) (7)(C). According to (b) (6), (b) (7)(C) failed to provide proper respiratory protection for EPA inspectors while inspecting dry cleaning machines, which exposed them to dangerous levels of perchloroethylene (perc). The EPA inspectors exposed to the dangerous levels of perc were (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C).

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(b) (6) indicated (b) (6) was one of the inspectors that brought the exposure issue to the attention of (b) (6). (b) (6) informed (b) (6) that New York State Inspectors were wearing full faced respirators (with removable filters) during the inspections of the same dry cleaning machines, and expressed some apprehension because the EPA Inspectors were not donning the same protective gear. (b) (6) stated (b) (6) did not seem too concerned and told (b) (6) (b) (6) could wear one if (b) (6) was afraid.

It was suspected by the AFGE that (b) (6) altered an e-mail from (b) (6), (b) (7)(C) 2011, which directly addressed the issues concerning the lack of respiratory protection for the EPA Inspectors. However, the original and unaltered document was obtained by the AFGE on (b) (6), (b) (7)(C), the same day in which (b) (6) retired from the EPA.

(b) (6) explained (b) (6) left the agency (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had also retired from the EPA. (b) (6) also believed that two inspectors from the (b) (6), (b) (7)(C) were similarly exposed to high levels of perchloroethylene but (b) (6) did not know their names.

INVESTIGATIVE FINDINGS:

On January 17, 2017, the investigation was transferred to SA (b) (6), (b) (7)(C), EPA OIG-OI, NYRO.

On February 2, 2017, SA (b) (6) contacted (b) (6), (b) (7)(C), EPA Region 2, to obtain confirmation that those involved are no longer employed with the EPA.4

On May 2, 2017, SA (b) (6) conducted an interview of (b) (6), (b) (7)(C) regarding the redacted documents. (b) (6), (b) (7)(C) stated (b) (6) was the individual who created the redactions for this request because the original e-mails involved deliberative communications between management. (b) (6), (b) (7)(C) reaffirmed that this document was redacted based on this and because the AFGE probably did not meet the standard to obtain all of the information they were seeking. (b) (6), (b) (7)(C) said that any AFGE request for information has to specify a particular need as to why they want the information. In addition, (b) (6), (b) (7)(C) stated responses to such requests typically contain redacted data because they contain confidential or personal information, or they included deliberative dialogue between management officials.

RECOMMENDATION:

This investigation did not uncover any evidence to support the allegation that management deliberately altered documents in order to conceal Agency misconduct. Based upon the results of the investigation it appears the redactions were done so in accordance with appropriate Federal Labor Law guidelines. As a result, there will be no further action taken in this case, and the investigation will be closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OFFICE OF INSPECTOR GENERAL

DATE: August 16, 2016

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-AR-2013-ADM-0110

CROSS REFERENCE #:

TITLE: ENVIRONMENTAL PROTECTION AGENCY OFFICE OF HOMELAND
SECURITY

CASE CLOSING REPORT

This case closing report sets forth the work conducted by the Environmental Protection Agency (EPA) Office of Inspector General (OIG) Office of Investigation (OI), to determine what authority, if any, the Office of Homeland Security (OHS) have to issue non-disclosure agreements (NDAs). The EPA OIG OI initiated an investigation to determine if the use of these the NDAs by EPA OHS violated the Whistleblower Protection Enhancement Act of 2012 (WPEA).

During the course on an investigation, the EPA OIG OI discovered EPA OHS issued NDAs to EPA employees. As a result of the investigation, the EPA OIG OI obtained two, unsigned, NDAs believed to be used by EPA OHS.

During the week of June 16, 2014, EPA OIG OI presented a complaint to the Office of Special Counsel, regarding the alleged inappropriate use of NDAs within EPA OHS.

On June 5, 2015, Office of Special Counsel, Attorney (b) (6), (b) (7)(C) emailed EPA OIG OI with the Policy/Procedure change to OHS' NDA process.

Since no addition investigation by EPA OIG OI is contemplated, the instant case is being closed at this time via this final summary report.

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Page 1

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: AUGUST 24, 2016

PREPARED BY: AIGI SULLIVAN

CASE #: OI-AR-2013-ADM-0110

CROSS REFERENCE #:

TITLE: EPA OHS MISCONDUCT

CASE CLOSING REPORT

This case closing report sets forth the work conducted by the EPA OIG Office of Investigations (OI) to determine what authority, if any, does OHS have to conduct investigations, collect evidence, interview employees, issue non-disclosure agreements (NDAs) and/or work joint investigations with another Federal, state or local law enforcement agency.

In addition, this case closing report sets forth the work conducted by the EPA OIG OI to determine whether [REDACTED]

[REDACTED]

This investigation was opened in July 2013, based upon two factors:

1. In June, 2013, OIG OI received information indicating an EPA employee assigned to the [REDACTED] may in engaged in potential misconduct [REDACTED]

[REDACTED] OI special agents then contacted FBI HQ to de-conflict. (b) (6), (b) (7)(C), (b) (7)(E)

[REDACTED]

The FBI agent confirmed that [REDACTED] was fully engaged in the investigation, [REDACTED] to work on site with the FBI, and [REDACTED] was the FBI's partner on this case. In addition, FBI [REDACTED] supervisors informed OIG OI that despite the fact that the EPA employee may be engaged in serious misconduct within the EPA OIG's jurisdiction, the FBI-OHS MOU, dated July 2012, made OHS the FBI's single point of contact within EPA for anything related to national security. The OIG's jurisdiction was never mentioned in the MOU. Based upon the discussions with the FBI case agent, it appeared that [REDACTED] as the

¹ This investigation centered upon [REDACTED] official duties as assigned to [REDACTED] within the (b) (6), (b) (7)(C) [REDACTED]. There was no allegation of personal misconduct.

FBI's law enforcement partner and [REDACTED] in this investigation, and OHS was recognized by the FBI as being EPA's investigative entity.

2. In June 2013, OIG OI was given a copy of a memorandum written by [REDACTED], the then Attorney Advisor [REDACTED], dated May 1, 2012. In [REDACTED] memorandum, [REDACTED] concluded that if an

(b) (5), (b) (6), (b) (7)(C)

[REDACTED] stated the following concerning [REDACTED]

(b) (5), (b) (6), (b) (7)(C)

In October 2013, [REDACTED] was interviewed by OI in the presence of [REDACTED] attorney. [REDACTED] was not fully cooperative during this interview and refused to answer many questions concerning [REDACTED] duties with OHS. [REDACTED] gave incomplete answers to other questions. The interview ended with the understanding that [REDACTED] would return to complete the interview at a future date.

Shortly [REDACTED] left the OI interview room, the OI case agent realized that [REDACTED] forgot to have [REDACTED] sign the standard NDA used in OIG interviews. Two OI special agents then went to the OHS office to ask [REDACTED] to sign a standard NDA and to request that [REDACTED] not to speak about the OIG interview, since the OIG intended to interview other OHS employees. At this time, an incident took place in which an OIG special agent alleged that [REDACTED] (b) (6), (b) (7)(C)

Because of (b) (6), (b) (7)(C) OI investigation in the instant case was suspended, pending the completion of the investigation (b) (6), (b) (7)(C). Originally, (b) (6), (b) (7)(C)

OI then referred the matter to the Council of Inspectors General for Integrity and Efficiency (CIGIE) to request another OIG conduct an investigation into the matter. Ultimately, the DOD OIG agreed to conduct a limited investigation (b) (6), (b) (7)(C).

The DOD OIG issued a report in July 2015. The DOD OIG investigation determined (b) (6), (b) (7)(C) [REDACTED] the DOD OIG investigation did not look into the two main issues associated with the instant case: a) OHS' authority [REDACTED];

RESTRICTED INFORMATION

and b) the authority of [REDACTED]

(b) (6), (b) (7)(C)

During the period of time since October 2013, when the OI investigation in the instant case was suspended, action has been taken by Administrator Gina McCarthy to partially address the two issues under investigation.

Specifically, on July 7, 2015, Administrator McCarthy sent Inspector General Arthur Elkins a letter in which she stated the following:

- (b) (7)(E) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]




Since the July 7, 2015, letter was issued senior managers from OHS and OIG have met regularly to discuss matters of mutual interest.

Since no addition investigation by OIG is contemplated, the instant case is being closed at this time via this final summary report.

ATTACHMENTS

1. [REDACTED] Memo dated May 1, 2012.
2. FBI-OHS MOU dated July 2012.
3. Administrator McCarthy Letter dated July 7, 2015

ATTACHMENTS

1. [REDACTED] Memo dated May 1, 2012

[REDACTED]
document.pdf
2. FBI-OHS MOU dated July 2012

MOU FBI
Counterintelligence
3. Administrator McCarthy Letter dated July 7, 2015

July-7-2015Letter.p
df



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: SEPTEMBER 8, 2016

PREPARED BY: SA (b) (6), (b) (7)(C), (b) (7)(F)

CASE #: OI-AT-2015-CAC-0005

CROSS REFERENCE #:

TITLE: (b) (6), (b) (7)(C)

CASE CLOSING REPORT

Subject(s)	Location	Other Data
(b) (6), (b) (7)(C)	591 C EDGEWOOD AVE, SE ATLANTA, GA 30312	N/A

VIOLATION(S):

(b) (6), (b) (7)(C) was indicted on several state laws to include theft and the hijacking of a motor vehicle.

ALLEGATION:

This case was initiated based on information provided by Detective (b) (6), (b) (7)(C), Atlanta Police Department (APD), Atlanta, GA, that two unknown suspects assaulted and robbed (b) (6), (b) (7)(C), United States Environmental Protection Agency (EPA), (b) (6), (b) (7)(C), (b) (7)(F), Atlanta, GA in the back parking lot of (b) (6), (b) (7)(C) 591 C Edgewood Avenue S.E., Atlanta, GA, (b) (6), (b) (7)(C).

On October 22, 2014, at approximately 4:30 pm, (b) (6), (b) (7)(C) was assaulted and robbed by two unknown assailants. Upon (b) (6), (b) (7)(C) arrival at (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) exited (b) (6), (b) (7)(C) government vehicle and was confronted by two African-American male suspects, one of whom was armed with a handgun. A struggle ensued and the suspect fired one round at, but missed (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) was injured during the physical confrontation with the suspect. The suspects stole (b) (6), (b) (7)(C) government vehicle, (b) (6), (b) (7)(C) credentials and badge, and (b) (6), (b) (7)(C) EPA cell phone along with numerous personal items.

FINDINGS:

On October 23, 2014, (b) (6), (b) (7)(C) badge and credentials were found (b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

responded to the location of the vehicle and confirmed its identity. The vehicle was transported to the Georgia Bureau of Investigation for evidence processing and subsequently released to (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C), (b) (7)(E)

DISPOSITION:

(b) (6), (b) (7)(C), (b) (7)(E), criminal allegations regarding (b) (6), (b) (7)(C) are supported. On July 1, 2016, Judge (b) (6), (b) (7)(C), Fulton County Superior Court, Atlanta Judicial Circuit, Atlanta, GA, sentenced (b) (6), (b) (7)(C) to a total of 55 years in prison with the first 50 to be served in confinement and the remaining (5) five years to be served on probation. (b) (6), (b) (7)(C) was also ordered to pay a \$10,000 fine related to the hijacking motor vehicle count. (b) (6), (b) (7)(C) was found guilty on 97 counts, however, one was dismissed. No additional investigative steps or leads are required and this case will be closed.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL

DATE: NOVEMBER 28, 2016

PREPARED BY: (b) (6), (b) (7)(C), (b) (7)(F)

CASE #: OI-AT-2016-CAC-0097

CROSS REFERENCE #:

TITLE: PROACTIVE INVESTIGATION: UTILIZATION OF (b) (7)(E) IN
ATTEMPT TO LOCATE EPA REGION 4 PROPERTY

CASE CLOSING REPORT

Subject(s)	Location	Other Data
UNKNOWN SUBJECTS	ATLANTA, GA	

VIOLATION(S): 18 U.S. Code § 641, Public money, property or records; Georgia Code, Title 16, Section 16-8-2, Theft by Taking.

ALLEGATION: This proactive investigation was conducted in an effort to locate stolen EPA Region 4 property.

FINDINGS: Queries of (b) (7)(E) were conducted for all EPA property items identified in the FY2015 and FY2016, Region 4 Report of Surveys, to determine whether this property was pawned or sold secondhand. (b) (7)(E) did not produce any results when then aforementioned EPA property items were queried.

DISPOSITION: Case is recommended for closure.

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Page 1

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL**

1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202

DATE: MAY 2, 2017

PREPARED BY: (b) (6), (b) (7)(C), (b) (7)(F)

CASE #: OI-DA-2017-CAC-0062

CROSS REFERENCE #:

TITLE: UNKNOWN SUBJECT, THEFT OF GOVERNMENT PROPERTY, DALLAS, TEXAS

CASE CLOSING REPORT

Subject(s)	Location	Other Data
Unknown Subject		

COMPLAINT: This investigation was initiated on February 2, 2017 based upon information reported to Special Agent (SA) (b) (6), (b) (7)(C), (b) (7)(F) from Special Agent (SA), (b) (6), (b) (7)(C), (b) (7)(F), Resident Agent in Charge, both with the US Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigation (OI), Dallas Field Office. Specifically, on February 1, 2017 SA (b) (6), (b) (7)(C), (b) (7)(F) observed the right rear tire, wheel, and lug nuts, were missing from a Government Owned Vehicle (GOV). Potential crimes investigated included 18 USC 666, Theft or Conversion of Government Property and Texas Penal Code Section 31.03, Theft.

BACKGROUND: The aforementioned GOV is further identified as a (b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(F) assigned to the Dallas Post of Duty, Plate (b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(F). The missing items were observed in place by the guards (b) (7)(E), (b) (7)(F)

(b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(F) according to the guard, the missing items were in place at that time on February 1, 2017. A second guard (b) (7)(E), (b) (7)(F) noted the items as missing (b) (7)(E), (b) (7)(F)

INVESTIGATIVE FINDINGS: SA (b) (6), (b) (7)(C), (b) (7)(F) reviewed (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E), (b) (7)(F) these reviews did not disclose information leading to the identity of a subject. Further, SA (b) (6), (b) (7)(C), (b) (7)(F) coordinated with Detective (b) (6), (b) (7)(C), Dallas Police Department, regarding tires and wheels sold to used tire and wheel dealers. (b) (6), (b) (7)(C), (b) (7)(E)

RECOMMENDATION: As no information was discovered leading to the identity of the subject or the location of the missing items, it is recommended this case be closed.

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Page 1

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF INSPECTOR GENERAL
109 TW ALEXANDER DRIVE
RESEARCH TRIANGLE PARK, NC 27711

CASE #: OI-RTP-2015-CAC-0024

CROSS REFERENCE #:

TITLE: SUSPICIOUS CALL TO THE EPA RTP
INVOLVING THE CHILD CARE CENTER

PREPARED BY: SA (b) (6), (b) (7)(C), (b) (7)(F)

SHORT-FORM REPORT OF INVESTIGATION

PERIOD COVERED: FROM 12/24/2015 TO 01/07/2016

STATUS OF CASE: CLOSED INVESTIGATION

JOINT AGENCIES: None

PREDICATION: This case was opened following a suspicious telephone call to the Environmental Protection Agency, RTP, NC. (b) (6), (b) (7)(C), Office of the Chief Financial Officer, received a call at (b) (6), (b) (7)(C) desk from Chatham County, NC. (b) (6), (b) (7)(C) answered the call and described the caller as an (b) (6), (b) (7)(C). The caller provided her name but (b) (6), (b) (7)(C) could not hear it clearly. The caller asked to speak to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) told her that she had the wrong number but indicated (b) (6), (b) (7)(C) was (b) (6), (b) (7)(C). The caller said she was "subbing in (b) (6), (b) (7)(C) classroom and it was an emergency that she speaks to (b) (6), (b) (7)(C) mom". (b) (6), (b) (7)(C) looked up (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) knew (b) (6), (b) (7)(C) mother's name was (b) (6), (b) (7)(C), in the locator trying to help in any way (b) (6), (b) (7)(C) could, but was unable to locate a number (due to using an incorrect last name, it should have been (b) (6), (b) (7)(C)). The caller indicated to (b) (6), (b) (7)(C) that "This is the number that they gave me". The caller asked (b) (6), (b) (7)(C) to email (b) (6), (b) (7)(C) and ask (b) (6), (b) (7)(C) to call (b) (6), (b) (7)(C) classroom ASAP. (b) (6), (b) (7)(C), after hanging up, talked to (b) (6), (b) (7)(C) and discovered that there was no substitute teacher that morning and became suspicious. (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) about the call and (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was with (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C) house.

DETAILS:

Allegation 1

Threat to the EPA Child care center located at the EPA, RTP NC campus.

Allegation 1 Findings

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Page 1

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An Inspector General (IG) Subpoena was obtained for the telephone records (b) (6), (b) (7)(C), (b) (7)(E)

[REDACTED]

[REDACTED]

[REDACTED]

(b) (6), (b) (7)(C), (b) (5), (b) (7)(E)
[REDACTED]
It was recommended that this case be closed.

DISPOSITION:

This investigation is closed and the allegation is *inconclusive*.

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Page 3

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